

PSJ3

Exhibit 409

## Tom Twitty

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From: Tom Twitty  
Sent: Thu 12/12/2013 1:45 PM (GMT-05:00)  
To: Dale Smith; Chris Smith  
Cc: Carolyn Webb  
Bcc:  
Subject: DEA Strategy Task Force Meeting Update

Dale/Chris,

I wanted to provide a brief update on the meeting yesterday at HDMA Headquarters. Full minutes and some homework will be coming out from Patrick Kelly shortly and I will forward that information when received. There were representatives from CAH, ABC, MCK, Mutual Drug and JM Smith along with the HDMA staffers, David Durkin of Olsson Frank Weeda Terman Matz, and Priscilla VanderVeer from APCO

Overall, I thought the dialogue was robust and productive. There were basically three areas of attack identified:

- 1) Work on building a coalition effort
  - the "Alliance" (TEVA, Cardinal, AMA, Prime Therapeutics)
  - Explore NCPA effort - Doug Hoy has reached out to John Gray to start discussions on this
  - Work on building relationships with NGA and AG's - Possible PSA's to educate media and public about our industry
- 2) DEA Specific Issues
  - Let Marino/Blackburn bill float as is, but compile internal hot button's for DEA to prepare for blowback - this bill requires a process similar to the FDA's processes for allowing corrective action for violations or issues prior to issuing ISO's, drug testing for associates with access to the controlled drug storage areas (which we already do) and also has requirements regarding defining "imminent danger to the public"
  - Convene a meeting in person to compile industry practices (member specific input to be masked through David Durkin's firm) to address Due Diligence and SOM systems.
  - John Gray to attempt to set up a luncheon with Michelle Leonhart, General McCaffery and himself to discuss ways that we can start to build a collaborative relationship - the DEA has refused to come to the table in recent requests
- 3) HDMA Branding
  - Utilize APCO material to conduct targeted media outreach to educate on value that distributors provide
  - Prepare canned HDMA responses to be used when issues like WV and drug shortage issues surface. Rather than making no public statement and letting the public only hear what the media put's out, such as calling us "pill mills" with no regard for patient safety.
  - Develop PSA's to educate on HDMA and the value we provide.

We also talked about developing and offering a solution suite of ideas that we could offer up to the DEA as a way to show that industry was concerned and open to other creative ways to stem prescription drug abuse. One idea was to create a new licensure type for pharmacies that were certified to dispense certain levels of pain medications that could be tied directly to a certified list of pain physicians.

My sense was that all were pretty passionate about going after this except Cardinal, which I believe was your read after the last EC meeting.

More to come.

Tom

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